

R-4

HERCULES

Subject Property

A-2

HOWARD

MOUNT LATONA

R-4

C-4

TITANIC

C-3  
SC

C-3

A-1  
c

R-4  
sp

A-2

A-2

R-4

R-4  
sp

A-O

ZON04-00131

PLANNING RESEARCH & DEVELOPMENT

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HERCULES

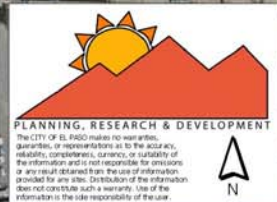
Subject Property

HOWARD

MOUNT LATONA

TITANIC

ZON04-00131



**ZON04-00131**

~~ATLAS~~



**"RETAIN FOR SUBSEQUENT COUNCIL PUBLIC HEARING"**



**CITY OF EL PASO, TEXAS  
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT**

**M E M O R A N D U M**

**TO:** The Honorable Mayor and City Council  
Joyce Wilson, City Manager  
Patricia D. Adauto, Deputy City Manager  
Laura Uribarri, Executive Assistant to the Mayor  
Adrian Ocegueda, Executive Assistant to the Mayor

**FROM:** Fred Lopez, Urban Planner / Zoning Coordinator **FL**

**SUBJECT:** Council Agenda Item (Ordinance)  
Introduction: October 12, 2004  
Public Hearing: November 02, 2004

**DATE:** October 7, 2004

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The following item has been scheduled for City Council action as noted above. Relevant information is attached. If you have any questions, please contact me at 541-4925.

**SEE ATTACHED ITEMS**

Office Use Only			
Mayor's Office (2 copies):	date: _____	time: _____	by: _____
Representative District 1:	date: _____	time: _____	by: _____
Representative District 2:	date: _____	time: _____	by: _____
Representative District 3:	date: _____	time: _____	by: _____
Representative District 4:	date: _____	time: _____	by: _____
Representative District 5:	date: _____	time: _____	by: _____
Representative District 6:	date: _____	time: _____	by: _____
Representative District 7:	date: _____	time: _____	by: _____
Representative District 8:	date: _____	time: _____	by: _____
City Attorney's Office:	date: _____	time: _____	by: _____

- A. AN ORDINANCE CHANGING THE ZONING OF A PORTION OF S. J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS (HELEN OF TROY DRIVE WEST OF REDD ROAD) FROM R-3A (RESIDENTIAL) TO C-2 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE. APPLICANT: COLONY PARTNERS AND HILLVIEW PROPERTIES. ZON04-00106 (DISTRICT 1)
- B. AN ORDINANCE CHANGING THE ZONING OF TRACT 2B, BLOCK 14, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS (LOMALAND DRIVE SOUTH OF NORTH LOOP DRIVE) FROM R-4 (RESIDENTIAL) TO A-2 (APARTMENT). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE. APPLICANT: OSCAR ANDRADE. ZON04-00114 (DISTRICT 7) THIS IS AN APPEAL CASE.
- C. AN ORDINANCE AMENDING ORDINANCE NO. 011221, WHICH CHANGED THE ZONING OF LOT 18, SUNRISE ACRES NO. 2, EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED CERTAIN CONDITIONS, BY DELETING CONDITION NO. 3 THEREOF. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE. APPLICANT: HILLCREST BAPTIST CHURCH. ZON04-00131 (DISTRICT 2)



**PLANNING, RESEARCH AND DEVELOPMENT DEPARTMENT**

**MEMORANDUM**

**DATE:** October 8, 2004

**TO:** The Honorable Mayor and City Council  
Joyce Wilson, City Manager  
Patricia D. Adauto, Deputy City Manager  
Laura Uribarri, Executive Assistant to the Mayor  
Adrian Ocegueda, Executive Assistant to the Mayor

**FROM:** Fred Lopez, Planner II / Zoning Coordinator

**SUBJECT:** **ZON04-00131:** Lot 18, Sunrise Acres No. 2  
**LOCATION:** 4710 Hercules Avenue  
**REQUEST:** Release of Condition No. 3 imposed by Ordinance No. 011221

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This application is scheduled for City Plan Commission (CPC) review and recommendation on October 28, 2004.



## **STAFF REPORT**

*Zoning Condition Amendment/Release:* ZON04-00131

*Property Owner(s):* Hillcrest Baptist Church

*Applicant(s):* Hillcrest Baptist Church

*Representative(s):* Ray Athey

*Legal Description:* Lot 18, Sunrise Acres No. 2

*Location:* 4710 Hercules Avenue

*Representative District:* # 2

*Area:* 0.9996 Acres

*Present Zoning:* A-1/c (Apartment/conditions)

*Present Use:* Vacant

*Proposed Request:* Release of Condition No. 3 imposed by Ordinance No. 011221, which requires submittal "for review and approval by the City Plan Commission and the Mayor and City Council a Site Development Plan of the proposed development, prior to the issuance of any building permits".

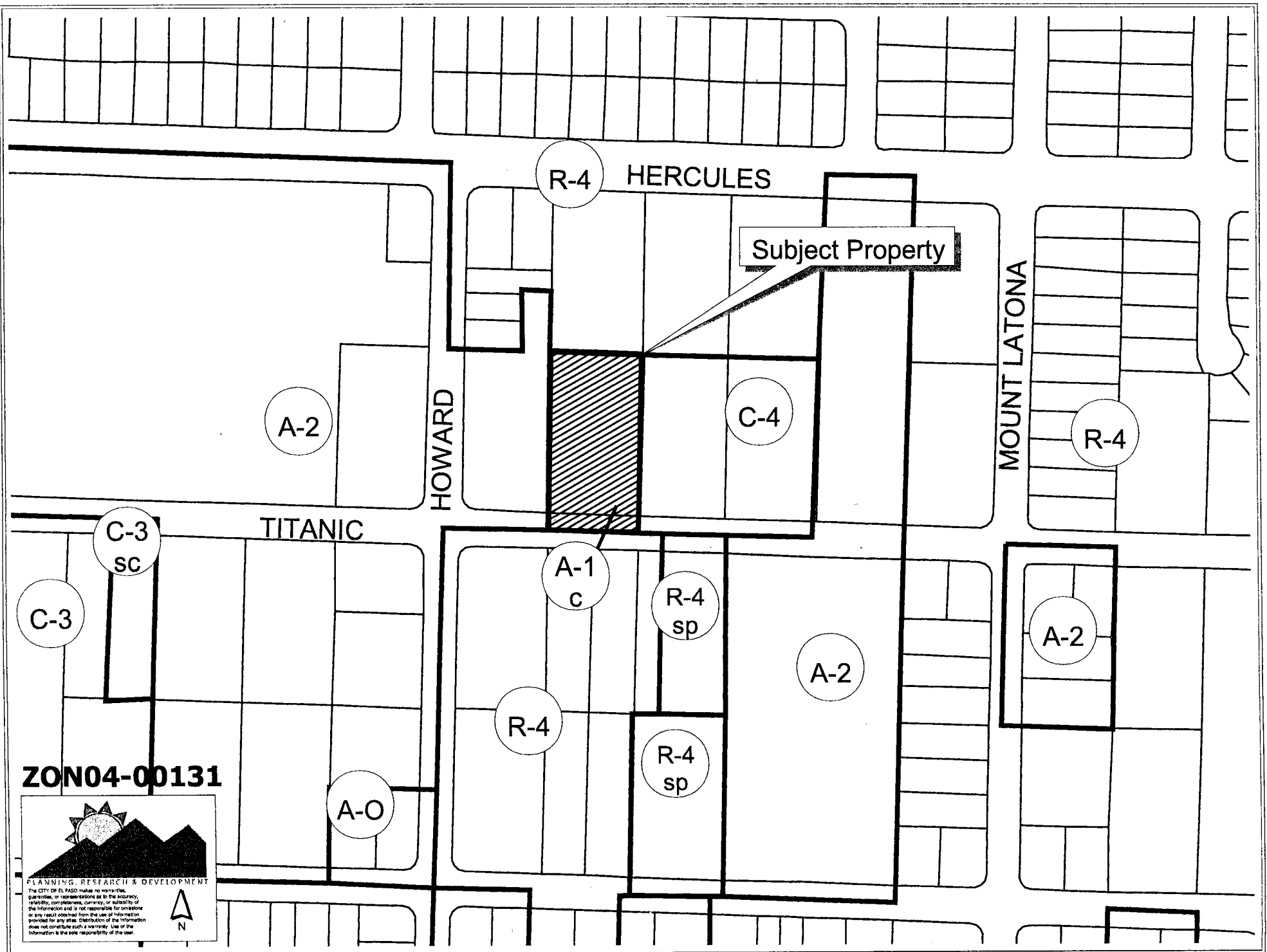
*Proposed Use:* New building and ponding area for Hillcrest Baptist Church

*Surrounding Land Uses:*

North -	R-4 (Residential) /
South -	R-4 (Residential) /
East -	C-4 (Commercial) /
West-	A-2 (Apartment) /

*Year 2025 Designation:* **Residential** (Northeast Planning Area)

**CITY PLAN COMMISSION HEARING, October 28, 2004,  
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**





**Zoning Condition****Amendment/Release: ZON04-00131****General Information:**

Ordinance No. 011221 rezoned this property from R-4 (Residential) to A-1 (Apartment) and imposed the following conditions:

1. Provide a 5' wide strip of landscaping within the property, prior to issuance of certificates of occupancy.
2. Provide a 5' wide sidewalk adjacent to the site, prior to the issuance of certificates of occupancy.
3. Submit for review and approval by the City Plan Commission and the Mayor and City Council a Site Development Plan of the proposed development, prior to the issuance of any building permits.

Hillcrest Baptist Church is requesting a release of Condition No. 3 that requires site plan review. The property is 0.99 acres in size and is currently vacant. The applicant is proposing to construct a 5,000 sq. ft. building and ponding area on the site to serve the existing Hillcrest Baptist Church.

**Staff Recommendation:**

This application is scheduled for DCC review and recommendation on October 13, 2004.

HOWARD DRIVE

(60' R.O.W.)

LOTS 16,17,18,19,20, AND 23  
SUNRISE ACRES NO. 2  
6.0 ACRES±

EXISTING BUILDING  
121' X 133'

FF=3891.02

FF=3891.23

FF=3890.93

EXISTING BUILDING

EXISTING BUILDING  
30' X 112'

FF=3892.22

FF=3892.29

FF=3892.31

N0111.00'W

Rockwall

Proposed  
sidewalk

PROPOSED 5' SIDEWALK

PROPOSED ADULT  
S.S. BLDG  
50' X 100'

EXISTING BUILDING  
50' X 100'

FF=3891.67

FF=3891.66

FF=3891.63

FF=3892.15

D=90'00"00"  
R=8.00

S88°49'00"W

PROPOSED POND

TITANIC DRIVE

(60' R.O.W.)

S0111.00'E

282.10'

RECEIVED

NOV 23 1982

City of El Paso  
City Clerk's Office

AN ORDINANCE CHANGING THE ZONING OF  
ALL OF LOT 18, SUNRISE ACRES UNIT 2  
AND IMPOSING CERTAIN CONDITIONS,  
THE PENALTY BEING AS PROVIDED IN  
SECTION 20.68.010 OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of all of Lot 18, Sunrise Acres Unit 2 be changed from R-4 (Residential) to A-1 (Apartment) within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-4 (Residential) to A-1 (Apartment), in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

1. Provide a 5' wide strip of landscaping within the property, prior to issuance of certificates of occupancy.
2. Provide a 5' wide sidewalk adjacent to the site, prior to issuance of certificates of occupancy.
3. Submit for review and approval by the City Plan Commission and the Mayor and City Council a Site Development Plan of the proposed development, prior to the issuance of any building permits.

These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefitted thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this 17<sup>th</sup> day of November, 1992.

ATTEST:

Bonnie Ginter  
CITY CLERK

THE CITY OF EL PASO:

[Signature]  
MAYOR

APPROVED AS TO FORM:

[Signature]  
ASSISTANT CITY ATTORNEY

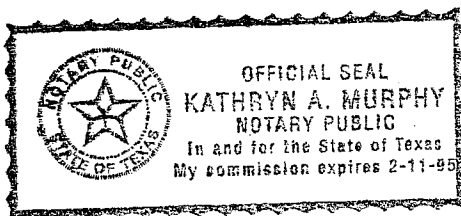
APPROVED AS TO CONTENT:

[Signature]  
DEPARTMENT OF PLANNING

STATE OF TEXAS       )  
                                  )  
COUNTY OF EL PASO   )

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged to before me by William S. Silney,  
this the 2nd day of December, 1992.



Notary's Commission expires \_\_\_\_\_

Kathryn A. Murphy  
Notary Public

Notary's printed name \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING ORDINANCE NO. 011221, WHICH CHANGED THE ZONING OF LOT 18, SUNRISE ACRES NO. 2, EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED CERTAIN CONDITIONS, BY DELETING CONDITION NO. 3 THEREOF. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

**WHEREAS**, the zoning of property described as *Lot 18, Sunrise Acres No. 2, El Paso, El Paso County, Texas*, was changed by Ordinance No. 011221, approved on November 17, 1992, a copy of which is attached and marked as Exhibit "A"; and

**WHEREAS**, the rezoning from R-4 (Residential) to A-1 (Apartment) was subject to various zoning conditions which were necessitated by and attributable to the increased intensity of use generated by the change of zoning; and

**WHEREAS**, application for deletion of Condition No. 3 on that portion of the property described as *Lot 18, Sunrise Acres No. 2, El Paso, El Paso County, Texas*, has been made by Hillcrest Baptist Church; and

**WHEREAS**, Hillcrest Baptist Church is requesting deletion of Condition No. 3 on that portion of the property described as *Lot 18, Sunrise Acres No. 2, El Paso, El Paso County, Texas*.

**WHEREAS**, a public hearing regarding deletion of Condition No. 3 was held before the City Plan Commission, which has recommended approval of the deletion of Condition No. 3; and

**WHEREAS**, the City Plan Commission recommendation is based on a determination that Condition No. 3 is no longer applicable and that the proposed deletion of Condition No. 3 will protect the best interest, health, safety and welfare of the public in general; and

**WHEREAS**, the City Council of the City of El Paso has determined that the Condition No. 3 should be deleted on the property described as *Lot 18, Sunrise Acres No. 2, El Paso, El Paso County, Texas*.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS** that Condition No. 3, imposed by Ordinance No. 011221, shall be deleted on the property described as *Lot 18, Sunrise Acres No. 2, El Paso, El Paso County, Texas*.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

**THE CITY OF EL PASO**

\_\_\_\_\_  
Joe Wardy  
Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Fred Lopez, Zoning Coordinator  
Planning, Research & Development

\_\_\_\_\_  
Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Matt Watson, Assistant City Attorney

**Acknowledgment**

THE STATE OF TEXAS )  
  )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by JOE WARDY  
as MAYOR of THE CITY OF EL PASO.

My Commission Expires:

\_\_\_\_\_  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
\_\_\_\_\_

# Exhibit "A"

RECEIVED

NOV 23 1982

City of El Paso  
City Clerk's Office

AN ORDINANCE CHANGING THE ZONING OF  
ALL OF LOT 18, SUNRISE ACRES UNIT 2  
AND IMPOSING CERTAIN CONDITIONS,  
THE PENALTY BEING AS PROVIDED IN  
SECTION 20.68.010 OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of all of Lot 18, Sunrise Acres Unit 2 be changed from R-4 (Residential) to A-1 (Apartment) within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-4 (Residential) to A-1 (Apartment), in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

1. Provide a 5' wide strip of landscaping within the property, prior to issuance of certificates of occupancy.
2. Provide a 5' wide sidewalk adjacent to the site, prior to issuance of certificates of occupancy.
3. Submit for review and approval by the City Plan Commission and the Mayor and City Council a Site Development Plan of the proposed development, prior to the issuance of any building permits.

These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefitted thereby, and without affecting the validity of this ordinance.

011221



PASSED AND APPROVED this 17<sup>th</sup> day of November, 1992.

ATTEST:

Barrie Guter  
CITY CLERK

THE CITY OF EL PASO:

[Signature]  
MAYOR

APPROVED AS TO FORM:

[Signature]  
ASSISTANT CITY ATTORNEY

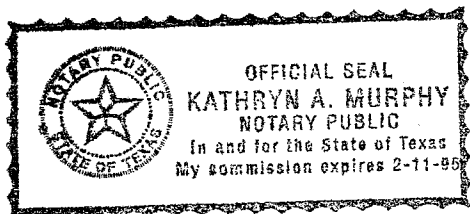
APPROVED AS TO CONTENT:

[Signature]  
DEPARTMENT OF PLANNING

STATE OF TEXAS     )  
                                  )  
COUNTY OF EL PASO    )

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged to before me by William S. Silvey,  
this the 2nd day of December, 1992.



Notary's Commission expires

Kathryn A. Murphy  
Notary Public

Notary's printed name